



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 2307289
Applicant Name: Michael Omura for Lumpopo Properties
Address of Proposal: 3301 Fremont Avenue North

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to establish use for future installation of mechanical equipment on the roof of an existing building.

The following approval is required:

Shoreline Substantial Development Permit - To allow mechanical equipment in the UG shoreline environment (SMC 23.60.660.E).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition
 or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The subject site is on the north side of the ship canal in the Canal View Building located on the south side of North 34th and on the west side of Fremont Avenue North in Fremont. Zoning for this specific site is Industrial Commercial with a 65' height limit for non-industrial uses and is within the Urban General shoreline environment. Zoning in the vicinity includes IC-65 along the north side of the ship canal and of a mixture of commercial and industrial zones north of North 34th Street. North of North 35th Street there are mostly Commercial and Neighborhood Commercial zones with a small section of Lowrise Duplex Triplex (LDT) and Lowrise 2 (L-2) zoning north of 35th on the west side of Aurora Avenue North and some Industrial zones west of Evanston Avenue North.

Proposal

The applicant proposes to install new mechanical equipment accessory to the existing office and research and development laboratory uses within the existing Canal View Building.

Public Comment

No letters were received during the comment period which ended on December 26, 2003.

ANALYSIS: SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal may be permitted, subject to the general and specific requirements of the City's Shoreline Master Program. Additional permits and approvals are required by state and federal agencies. A discussion of applicable shoreline requirements follows.

SMC 23.60.030 - Criteria for substantial development permits

A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this chapter;
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. The Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW and Chapter 173-27 WAC set forth regulations for the adoption and administration of the Shoreline Master Program which was originally adopted by the City of Seattle in 1976 and was revised in 1987. This program is codified in the Land Use Code and has been approved by the State Department of Ecology. Compliance with applicable provisions of the Land Use Code ensures that the proposed development at this site would be consistent with the policies and procedures of Chapter 90.58 RCW and the provisions of Chapter 173-27 WAC.

B. The Regulations of this Chapter

The regulations of Section 23.60 SSMP require that the proposed use(s): 1) be permitted in the shoreline environment and the underlying zoning district; 2) conform to all applicable development standards of both the shoreline environment and underlying zoning; and, 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

In reviewing an application for shoreline development, the Director may attach to the permit any conditions necessary to carry out the spirit and purpose of, and assure compliance with, this chapter and the RCW regulations (Section 23.60.064 E).

1) Permitted Uses

The mechanical equipment is permitted as an accessory use (23.60.092) to a use permitted outright in the Urban General (UG) environment (SSMP 23.60.780B12).

2) Development Standards

The proposal must conform to the physical development standards for uses in the UG environment (SSMP 23.60. 810), the general standards for all environments (SSMP 23.60.152), as well as the standards for the underlying IC-65' zoning.

The proposal also meets all development standards of both the UG shoreline environment and the IC-65 zoning.

General development standards for all environments, SMC 23.60.152

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses must: 1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected; 2) be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety.

The proposal meets the general development standards for all environments as listed above. Best Management Practices include the use of least toxic materials for construction.

The City's Stormwater, Grading and Drainage Control Code (SMC22,800) provides considerable emphasis on improving water quality. In conjunction with this effort, a Director's Rule, 6-93, was developed to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters.

C. The provisions of Chapter 173-27 WAC.

Chapter 173-27 WAC establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including the requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Thus, as conditioned below, the proposal is consistent with the criteria for shoreline substantial development permit and may be approved.

CONCLUSION

The proposal as conditioned conforms to the general and specific development standards for development in the UG shoreline environment and with the policies and procedures of the WAC and RCW. Conditions to minimize project impacts pursuant to the Director's authority to impose conditions (SSMP 23.60.064 E) under Seattle's Shoreline Management Program have been imposed. Because it has been established that the proposed use and development conform to the regulations of Chapter 23.60 of the Seattle Municipal Code, the permit should be approved.

DECISION - SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **GRANTED**.

Signature: (signature on file) Date: March 18, 2004
Lori Swallow, Land Use Planner
Department of Planning and Development

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